

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION

Office of General Counsel

July 21, 2004

Mr. Ross Kimbarovsky
Atty. for the Trustee for Resource Technology Corporation
Ungaretti & Harris
3500 Three First National Plaza
Chicago, IL 60602

Re: Docket No. 02-0461, Illinois Commerce Commission On Its Own Motion -vs-
RTC Pontiac, Citation to show cause for continued QSWEF Certification.

Mr. Kimbarovsky:

In response to Ms. Champagne's letter of June 11, 2004, enclosed please find Staff's second supplemental response to RTC Data Request 21. In addition, I would note that this data request is premature given that Staff has not filed its testimony in this proceeding nevertheless; a response to the request is included.

Please contact me at (312) 793-8824, with questions or for clarification.

Sincerely,

John C. Feeley
Counsel for the Staff of the
Illinois Commerce Commission

Enclosure

cc: Service List

Staff Second Supplemental Response - Dated July 21, 2004
To RTC's Data Request 21
Docket No. 02-0461

21. Provide copies of all correspondence, including e-mails, regarding RTC, its facilities and the issues involved in the following proceedings which are in the possession of the ICC and its Staff: ICC Docket Nos. 02-0461, 02-0455; and 97-0031-45 (consolidated).

ORIGINAL RESPONSE

Staff objects to the request to make the documents indicated available to RTC for inspection, as the inquiry is overly broad, and, with possible limited exceptions, irrelevant to the issues in this proceeding and therefore is unlikely to lead to the discovery of admissible evidence. Moreover, many of the documents with the scope of the request are already in the possession of RTC, or are privileged and confidential.

Without waiving its objections, Staff states that it is reviewing materials in its possession for documents that comport with the Request.

SUPPLEMENTAL RESPONSE

In a letter dated July 10, 2003, 2003, RTC made comments and objections to Staff's response to DB 21 among others. In particular, RTC's letter stated the following with respect to "DB 21":

DB 17 & 21. Your responses state that Staff is reviewing materials in its possession for documents that comport with out request. Please state whether you have completed your review and produce any documents you have identified as responsive.

In response to the above, and without waiving its objections, Staff is in the process of reviewing materials in its possession for documents that comport with the request.

Staff Second Supplemental Response - Dated July 21, 2004
To RTC's Data Request 21
Docket No. 02-0461

SECOND SUPPLEMENTAL RESPONSE

In addition to the previous responses, Staff objects to the request to provide copies of all correspondence, including e-mails, regarding RTC, its facilities and the issues involved in the following proceedings which are in the possession of the ICC and its Staff: ICC Docket Nos. 02-0461, 02-0455; and 97-0031-45 (consolidated) for those Staff members who will not be testifying in this matter as there is no basis under the Commission Rules of Practice to allow parties to Commission proceedings to conduct discovery of non-testifying Staff members. In addition such a request is unduly burdensome. Furthermore, any such correspondence are not relevant to the issues in this proceeding and or may be privileged.

With respect to those Staff members who will be testifying in this matter, Mr. David A. Borden and Mr. Tom Griffin, Staff objects to those correspondences which are not relevant to the issues in this proceeding and/or which are privileged. Without waiving Staff's objections, please see group attachments A, B, C and D.